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9 Honorable Marsha J. Pechman  
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11 UNITED STATES DISTRICT COURT  
12 WESTERN DISTRICT OF WASHINGTON AT SEATTLE  
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14 DIANNE L. KELLEY and KENNETH  
15 HANSEN,

16 Plaintiffs,  
17  
18 v.  
19  
20 MICROSOFT CORPORATION, a Washington  
21 Corporation,  
22  
23 Defendant.

NO. C07-0475 MJP

SUPPLEMENTAL DECLARATION OF  
JEFFREY M. THOMAS IN  
OPPOSITION TO MICROSOFT'S  
MOTION TO STAY PROCEEDINGS

CLASS ACTION

*Noted on Motion Calendar:*  
March 21, 2008

26 I, Jeffrey M. Thomas, declare as follows:  
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29 1. *Identity and Competency.* I am an attorney with the law firm of Gordon Tilden  
30 Thomas & Cordell, LLP. Together with Keller Rohrback, LLP, we represent the plaintiffs.  
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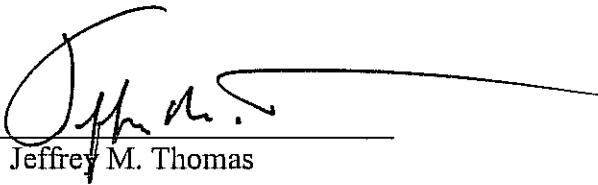
33 2. *Plaintiffs' Answer to Microsoft's Petition for Permission to Appeal.* As  
34 mentioned in my Declaration in Opposition to Microsoft's Motion to Stay, plaintiffs are  
35 opposing Microsoft's attempt at interlocutory appeal of the Court's decision on choice of law  
36 and class certification, and that we would file with this Court a copy of our opposition linked to  
37 the papers on Microsoft's motion for a stay. *See* Dkt. No. 137 ¶ 2. To this end, attached as  
38  
39 **Exhibit A** is a true and correct copy of plaintiffs' Answer to Petition for Permission to Appeal,  
40  
41 as filed with the Ninth Circuit Court of Appeals today.  
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SUPPLEMENTAL DECLARATION OF JEFFREY M.  
THOMAS IN OPPOSITION TO MICROSOFT'S MOTION TO  
STAY PROCEEDINGS - 1  
No. C07-0475 MJP

GORDON TILDEN THOMAS & CORDELL LLP  
1001 Fourth Avenue, Suite 4000  
Seattle, WA 98154  
Phone (206) 467-6477  
Fax (206) 467-6292

1           **I declare under penalty of perjury that the foregoing is true and correct.**  
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Executed this 18th day of March, 2008, at Seattle, Washington.

  
\_\_\_\_\_  
Jeffrey M. Thomas

SUPPLEMENTAL DECLARATION OF JEFFREY M.  
THOMAS IN OPPOSITION TO MICROSOFT'S MOTION TO  
STAY PROCEEDINGS - 2  
No. C07-0475 MJP

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## **CERTIFICATE OF SERVICE**

I hereby certify that on March 18, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

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SUPPLEMENTAL DECLARATION OF JEFFREY M.  
THOMAS IN OPPOSITION TO MICROSOFT'S MOTION TO  
STAY PROCEEDINGS - 3  
No. C07-0475 MJP

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